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18 Attorneys for NETFLIX, INC.

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

21 THE ESTATE OF B.H., JOHN HERNDON,
22 J.H., a minor, T.H., a minor, on behalf of
23 themselves and all other similarly situated,

24 Plaintiffs,

25 vs.

26 NETFLIX, INC.,

27 Defendant.

Case No. 4:21-cv-06561-YGR

**JOINT STIPULATION TO CONTINUE
POST-JUDGMENT DEADLINES UNDER
RULE 54(d)**

[Filed concurrently with [Proposed] Order]

Judge: Yvonne Gonzalez Rogers
Ctrm: 1

1 Plaintiffs the Estate of B.H., John Herndon, J.H., a minor, and T.H., a minor (“Plaintiffs”),
2 and Defendant Netflix, Inc. (“Netflix” or “Defendant”) (collectively referred to herein as “the
3 Parties”), by and through their respective counsel, submit the following stipulation:

4 1. WHEREAS, on August 25, 2021, Netflix removed this case from the Superior
5 Court of the State of California for the County of Santa Clara to the United States District Court
6 for the Northern District of California, ECF No. 3;

7 2. WHEREAS, on September 1, 2021, Defendant filed a Special Motion to Strike
8 Pursuant to California Anti-SLAPP Statute, Cal. Code Civ. Proc. § 425.16, or in the alternative, a
9 Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (“Motion to Strike / Dismiss Initial
10 Complaint”);

11 3. WHEREAS, on September 22, 2021, Plaintiffs filed a First Amended Complaint
12 (“FAC”), ECF No. 22;

13 4. WHEREAS, on October 6, 2021, Defendant filed a Special Motion to Strike the
14 FAC Pursuant to California Anti-SLAPP Statute, Cal. Code Civ. Proc. § 425.16, or in the
15 alternative, a Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (“Motion to Strike / Dismiss
16 the FAC”), ECF No. 28;

17 5. WHEREAS, after a hearing on January 10, 2022, the Court issued an order
18 granting Defendant’s Motion to Strike / Dismiss the FAC, ECF No. 74;

19 6. WHEREAS, the Court entered an order on January 19, 2022 dismissing the case
20 with prejudice and directed the clerk to close the case, ECF No. 76;

21 7. WHEREAS, the 14-day deadline for a motion under Rule 54(d) is February 2, 2022
22 (the “Post Judgment Deadline”), unless extended by rule or a Court order;

23 8. WHEREAS, given Plaintiffs’ intention to appeal the Court’s order granting
24 Defendant’s Motion to Strike / Dismiss the FAC, the Parties stipulate to extend the Post Judgment
25 Deadline in order to conserve the court’s and the Parties’ resources until the conclusion of the
26 appellate process;

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1 ACCORDINGLY, IT IS HEREBY STIPULATED THAT: Defendant's deadline to file a
2 motion under Rule 54 is continued from February 2, 2022, until 14 days after the Ninth Circuit's
3 mandate is issued post-appeal.

4
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6 DATED: January 28, 2022

MUNGER, TOLLES & OLSON LLP

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8 By: /s/ Blanca F. Young

9 BLANCA F. YOUNG

10 Attorneys for NETFLIX, Inc.

11 DATED: January 28, 2022

DIGITAL JUSTICE FOUNDATION, et al.

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13
14 By: /s/ Rory Stevens

15 RORY STEVENS

16 Attorneys for Plaintiffs THE ESTATE OF B.H., JOHN
17 HERNDON, J.H., a minor, T.H., a minor
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ATTESTATION

I hereby certify that authorization for the filing of this Joint Stipulation has been obtained from counsel for all parties.

By: /s/ Blanca F. Young
BLANCA F. YOUNG